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September 27, 2017

Via ECF

Hon. Valerie E. Caproni  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *U.S. v. Percoco, et al.* (Case No. 16-cr-00776-VEC)**

Dear Judge Caproni:

We represent Defendant Alain Kaloyeros in the above-referenced matter. We write in response to the Court's September 20, 2017 Order directing the parties to address the Second Superseding Indictment's impact on their pending motions. (Docket No. 320).

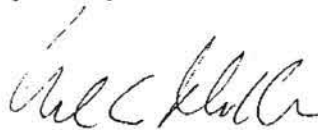
Dr. Kaloyeros' existing motions apply with equal force to the Second Superseding Indictment and we do not wish to withdraw any of our pending motions. We respectfully request the opportunity to supplement our motions in a letter submission and that the Court set the following briefing schedule:

- (1) Dr. Kaloyeros' Supplemental Submission by October 10, 2017.
- (2) Government's Opposition, if any, by October 24, 2017.
- (3) Dr. Kaloyeros' Reply, if any, by October 31, 2017.

Finally, we respectfully request that the Court hold oral argument and hearings, as necessary, on Dr. Kaloyeros' pending motions. We particularly request oral argument on Dr. Kaloyeros' motion to dismiss, a hearing and oral argument on his *Brady* motion, and a hearing and oral argument on his motion to suppress.

We thank the Court for its attention to this matter and are available to the Court should it require any additional information.

Respectfully submitted,



Michael C. Miller

cc: All Counsel (via ECF)